

# TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL

WEDNESDAY, FEBRUARY 11, 2004

## MEMBERS PRESENT:

Lauren Kingman, Chairman  
Jeffrey Anagnos  
Mary Ann Hoffman  
Bill Jeffway

## MEMBERS ABSENT:

Virginia Child

## ALSO PRESENT:

Pauline Coombe-Clarke, Town Board Liaison  
Russell Balletto, Town Board Liaison

Lauren Kingman, Chairman, opened the public hearing at 7:15 p.m. for the Jutta Middel/Todd Pegelow reconfiguration of a previously approved major subdivision on Turkey Hill Road, grid no. 1336-00-6573-00-826440. Neil Wilson, Land Resources Consultant, was present representing Jutta Middel and presented the proposed reconfigured map as well as the previously approved map. Members of the public came up and viewed the map. Originally, this subdivision, which was approved but never signed off and filed, had an eight lot configuration which was reduced to four to remove the back lots which was approved by the Planning Board. Subsequently, this current reconfiguration was done in response to a buyer who wants both lots 1 and 2 so the applicant combined lots 1 and 2. The access for any future subdivision to lot 4 will be via a rural lane and the provisions are in place for that to happen. The DEC permit was issued to cross the stream on January 6, 2004 and expires in December, 2006. The stream crossing is a fairly substantial bridge since the DEC did not want them to go anywhere near the bank. All lots have approved entrances from Turkey Hill Road. All lots will be part of the homeowners agreement. The maintenance agreement will be part of the deed restriction; a copy will be provided to the town upon its completion because Planning Board counsel will need to review it. Chairman Kingman said this was originally approved as a minor subdivision which was in error; it is four lots so by Milan definition, it is a major subdivision. The board accepted the previous subdivision approval as preliminary plat approval for this reconfiguration. There was some discussion about driveway entrances which have been approved by Dutchess County since this is on a county road. Ms. Middel said they are encouraging homeowners to use the common driveway for access.

With no further public comment, Chairman Kingman closed the public hearing at 7:35 p.m. and opened the regular meeting.

## 1. Approval of Minutes

- Mr. Jeffway motioned to approve the minutes of January 7, 2004 as amended, Ms. Hoffman seconded. All aye 4-0. Motion carried.

## 2. Correspondence:

- Talk of the Towns

3. The board continued with the Middel application. Chairman Kingman explained that this was approved previously as a minor subdivision but is, according to Milan zoning, a major subdivision which is why another public hearing was held along with another review by the consultant. This was sent to Ted Fink, Planning Board consultant, but his response has not been received by the board as yet. However, all the major issues seem to have been addressed. The Planning Board will need copies of the maintenance agreement to send to the Planning Board attorney. Mr. Graminski updated the original EAF, a short form. The negative declaration was granted in July, 2003. Chairman Kingman motioned to declare a negative declaration for this modified short form EAF for this application, seconded by Mr. Jeffway. All aye 4-0. Motion carried.

Chairman Kingman motioned that the Planning Board conditionally approve this reconfiguration for subdivision contingent upon resolving any of Ted Fink's concerns and receiving a positive recommendation to proceed from Planning Board legal counsel on the maintenance agreement. If there are any outstanding issues, this application will come back before the board in March, 2004. Mr. Jeffway seconded. All aye 4-0. Motion carried.

4. David Borenstein appeared regarding his Pasture Rock Subdivision application on property located on Woody Row Road, grid no. 1336-00-6572-00-334621. Neil Wilson was present for this application as well. The Planning Board granted conditional approval on the preliminary plat based on resolving Ted Fink's issues. Mr. Fink submitted a letter to the board dated January 6, 2004 looking for additional information and corrections on the EAF. The information requested concerned site lines, clarification of wetlands, soils data, etc. The drawings reflect the checklist from Milan's code. The applicant has provided detail on a separate map from the one to be filed. One driveway is in. The proposed driveway will be shared with the lots on either side. There are provisions for this road to be converted to a rural lane when the applicant comes back to subdivide lot 5 which is indicated as open to future subdivision. Mr. Borenstein said it has taken a considerable amount of time to get responses from planners, attorneys, etc. and asked about a time frame for the subdivision for lot 5 and was told that subdivision will be a new application. Mr. Wilson said the road is configured as a 33 foot right of way right now but lot 5 is currently a legal lot with frontage. Chairman Kingman said Mr. Fink explained to him that, per the whole site, there is a maximum of a tenth of an acre of wetland disturbance allowed. Mr. Wilson said that is for Army Corps. wetlands. All state wetlands are on the other side of the road; however, parts of the buffer do extend to these lots. Per the ruling of the Army Corps. Of Engineers, you are limited to no more than 10% of disturbance or discharge into the wetland. One of the considerations for future lots on lot 5 is locating the driveway to minimize disturbance (i.e. swing around the wetland as opposed to going through the wetland). Mr. Wilson said about 4300 square feet is the maximum allowed by law without notifying Army Corp. Mr. Fink suggested to Chairman Kingman that a small, cumulative table be put on the map to track wetland disturbance so we know the totals at the end. Mr. Wilson agreed with that and said it was reasonable. The Board needs a copy of the driveway maintenance agreement

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to be forwarded to the Planning Board attorney. Mr. Lyons, the applicant's attorney, forwarded the agreements to Mr. Fink but they need to be sent to Mr. Nelson, Planning Board attorney, as well. Chairman Kingman said the fire chief needs to see the driveways as well to ensure emergency vehicle access. As far as the future subdivision of lot 5, Chairman Kingman said the Planning Board members should plan on visiting the site, and the discussion held at a previous meeting on open space will be revisited during the second phase of this subdivision. Mr. Borenstein said it was fine for Planning Board members to visit the site at any time at their own risk. There will be a second public hearing prior to final approval for phase 1 of this subdivision at the next Planning Board meeting.

5. Brandee Nelson, an engineer with Crawford and Associates and Steven Bernstein, Esq. were present representing the Milan Hill Estates Subdivision application on property located on Milan Hill Road, grid number 6573-00-300200, approximately 119 acres. Ms. Nelson said they started this application back in August of 2003 with a conceptual subdivision plan. There was a recent minor subdivision approved for Peter Johnson, previous property owner, where Mr. Johnson subdivided off about 10.5 acres to keep for himself and his family which left the remaining 119 acres. In August, they appeared informally with a proposal for about 17 or 18 parcels. Subsequent extensive field work delineating federal wetlands, doing perc tests, aerial fly overs, etc., has resulted in the current proposal for 13 lots of 7 to approximately 10 acres apiece with a cul de sac at the existing driveway entrance. Ms. Nelson said the location of the wetlands and percs are located just from GPS. We are currently surveying and that material will be incorporated in and adjustments will be made accordingly. This is the sketch plan layout. The existing entrance provides the best sight distance and will extend back about 1500 feet to a cul de sac. There will be shared driveways to the homes. Ms. Nelson said this is a unique parcel with a lot of interior space and quite a few wetlands and slopes. With the site constraints, the best locations for the homes with the best soils are at the perimeters. The light green shading on the map is open fields. Ms. Nelson distributed an informational packet to board members. More than half of the site is wooded and offers spectacular possibilities for homes and enormous potential to remain wooded. There are no view impacts along Milan Hill Road. There is a ridge about 100 feet from the road which really protects the views of the road. The existing barn, pool, and house are staying together on one parcel. They are pursuing a homeowners association, but there is enough frontage for each lot to have a driveway. They are looking at reserving about 4.5 acres of space for access to the pond for the homeowners association. The parcel is very interior surrounded by higher points. There are no state jurisdictional wetlands on this property; they are all army corp. She thinks the longest driveway is about 1800 feet. Ms. Nelson said they are planning on having all surveying information completed by the end of the month. Chairman Kingman said he would like to see a larger map and then separate maps showing each of the following: wetlands, 15% to 20 and 20 to 25% and above slopes, soils, forested areas and meadow areas, a map without sites, driveway, etc., and an overlay to see how it all fits with the house sites, etc. Ms. Hoffman said she would like to see added to the map a cumulative table to track the wetlands. Chairman Kingman said he agreed that this is a difficult site and said an aerial view would be

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helpful as well. Chairman Kingman said he would like to be able to show the series of maps to Mr. Fink, the consultant for the board, and Ms. Nelson said she will submit the maps to Mr. Fink in advance of the next meeting for his opinion.

6. Randall Evan appeared representing Pat Kaufman's application for a lot line adjustment on property located at 735 Academy Hill Road, grid numbers 6572-00-928755 and 950685. He presented an updated survey map. They are adjusting their lot lines to change one 47 acre parcel and one 13 acre parcel into two parcels of approximately 28 acres and 32 acres, affecting plus/minus 19 acres. They wanted to keep the stream with lot 1. They re-adjusted the lot lines to ensure the parcel across the street meets the five acre zoning requirement of a legal building lot. This will be scheduled for public hearing at the next meeting.
7. Ciro Interante and Mickey Jamal appeared continuing the application of Chestnut Mart on Route 199, grid no. 09-6570-00-536267. Chairman Kingman read the purpose of sketch plan approval from the zoning code. Mr. Interante showed the existing site plan and the proposed site plan. He said they are proposing to tear down and discontinue the auto repair and junk yard use. They are proposing to build a new series of pumps and a new canopy in front, restricting the curb cuts, and adding new landscaping. This will be a new group of businesses with a convenience store associated with the gas pump and car wash and two retail outlets available for lease. The parking is proposed to be in the back with vacuums for the cars prior to the car wash with the dumpsters also in the back, and the rest of the back left as lawn which is also where the septic will be. Both access ways will have ingress and egress. The light pole would stay. They will need DOT approval for the curb openings and Board of Health for the septic. Mr. Interante said the lot is 2.9 acres which is undersized for businesses. They would be looking for a variance since five acres is the required zoning for a group of businesses and this is in highway business which is one acre. They would also be looking for a variance for the front setback for the canopy. Mr. Interante said they meet side setbacks requirements as well as the rear setback. Mr. Interante said they are allowed 12,632 square feet under the maximum building coverage of 10% which is allowed and they have a total of 12,500 so they are under 10%. Chairman Kingman asked how could a vehicle such as the size of an RV get into the gas pumps and Mr. Jamal showed how. Also, the outside pump with the canopy pumps will have diesel. Mr. Jamal said they have gone with this type of layout in many other locations and it works fine. There is plenty of room. They are proposing a service window for drive in services within the convenience store for a business such as a Dunkin Donuts, etc. with no baking on the premise. Mr. Anagnos asked what happens with the water associated with the car wash. Mr. Jamal said they would have a system to clean and reuse the water. The reuse water rate is about 79 to 80 percent so you use about 20 percent water. Every three or four weeks, a truck comes in and cleans it. Mr. Jamal showed photos of just built service stations in different locations and invited board members to go out and take a look at some of these sites. They do have some leeway on building style. Chairman Kingman said they will have to meet the zoning requirements on any signage. The map shows a wetland running through here so the DEC needs to go out and flag before they go much further. Chairman Kingman said he walked the

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property in the fall and there are wetland plants bordering the property. Ross Williams, the ZBA Chairman, agreed that the wetland item will be key. Mr. Williams asked the applicant why he could not go back any further, and Mr. Interante said it would not be an efficient layout of the site. We are pulling the canopy back slightly from where it is now. Right now it is non-conforming, and we will make it less non-conforming. Mr. Jamal said everything proposed would be new, such as tanks, etc. In response to a question, Mr. Jamal said we normally haul all contaminated dirt from the area and it gets burned to use as blacktop. That would be part of the project. We use double wall fiberglass tanks with a computerized monitoring system and an additional pipe in case there is a leak, it would go into the third wall. There will be 28 to 30,000 gallons of storage on site combined. The existing well is on the side and the septic is in the back. They will use the old well if possible. Mr. Williams said putting a septic in wetlands could be a problem, and Mr. Interante said they would work with the Board of Health. Chairman Kingman said there is a big area of asphalt in the front, and something to think about may be to try to tone it down a bit without impeding the traffic flow. The next step is to get the DEC to flag the wetlands which will dictate where the septic will go. After that, we can go on and fine tune if we agree on the concept and they get the variances. Mr. Jamal said our intention is to improve the property since it is in the gateway to the community. The way it is now, it is a busy location. The alternative would be to keep things as they are putting in modern pumps and converting what is in there now to a store. From the point of view of a planner, do I want a junk yard or this? Mr. Jeffway asked if there will be an increased traffic impact, and Mr. Jamal said it is going to be a steady, smooth flow. Mr. Interante added that putting in the controlled ingress and egress really helps with an increased traffic flow. In answer to a question about a feeling for what other businesses may come in, Mr. Jamal said we would like to have a bank or possibly a take out pizza store, insurance office or beauty salon. In one of our locations, we have a Sprint cell phone store. They will not have a repair shop. Chairman Kingman went through the restrictions on businesses. Mr. Jeffway agreed with Mr. Jamal's previous statement that this is the gateway to the community and is close to some of the oldest buildings in town, such as the town hall, and that is an important consideration. Mr. Interante pointed out a location in Monroe, Connecticut that they did where the building does not look like a gas station but does really good business. Chairman Kingman thinks that this illustrates what the town would want. We would be looking for something that fits in, blends in. Mr. Interante said they would also appreciate suggestions from the public as to what type of business they would like. They showed where the parking is located for the other buildings. Chairman Kingman said he and Ted Fink went over the parking regulations with the applicants. They have the maximum parking. In answer to a question, Mr. Jamal said this will be a Mobile station. Chairman Kingman asked about the possibility of moving the stand alone building to allow for side parking instead of front parking. Mr. Jamal said for traffic flow, this layout is pretty well tested. Mr. Interante thinks it would pinch the car wash traffic flow too much. Mr. Jeffway as far as the impact of going from a gas station and repair station to this proposal, adding a convenient shop, car wash, and two new business, in terms of numbers and variety and scale, it is a lot. Chairman Kingman said we will be going through the SEQRA process which will address traffic impacts. There was some additional discussion on traffic impact. Chairman Kingman

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suggested possibly moving one of the buildings so that they look separate but are really together which would cut out some blacktop and make it look more aesthetically pleasing. The applicant was willing to try that suggestion. There was no action taken at this meeting.

8. Discussion Items

- Greenway Compact - Chairman Kingman explained the Greenway Compact, that it is an effort to get towns to work together on environmentally oriented development. Milan is part of the Greenway community but not part of the Greenway compact which is formal. There is a motion before the town board that Milan joins the compact. The Greenway proposal has been referred to us. On February 24<sup>th</sup>, there is a public hearing on the Greenway where people from the Greenway Compact in Poughkeepsie and from Dutchess County Planning will be presenting and answering questions. Chairman Kingman urged whomever can should attend. This involves Inter-community cooperation so communities take into consideration other towns during the planning process. Chairman Kingman said this will be reviewed at the next Planning Board meeting which is prior to the next Town Board meeting.
- Zoning Map Amendment Notification - Chairman Kingman said a zoning change needs to go through the town board. There is a section in the zoning book on how to amend the zoning code. Per section 200-72, if you change the zoning code, you need a public hearing. For some reason, there is a paragraph in the book that if the zoning map gets modified, anyone affected by the change or anyone within 200 feet needs to get notified via certified mail. Being considered is to eliminate that paragraph. The process would be a public hearing and a short form EAF. At the next meeting, we will take a position on that.
- Conservation Subdivision - Chairman Kingman distributed various documents on conservation subdivisions and explained the process. He would like to put together guidelines and procedures as to how to proceed with subdivisions, etc.
- The board discussed rural lanes, town roads, and shared driveways.
- Mr. Jeffway is looking for feedback on the website and discussed a possible resolution describing the objective and purpose of the website. He thinks it would be a good idea to put on the site who the Planning Board is, when the meetings are, post the agendas, and post the final approved minutes. The board agreed with that.
- Mr. Williams gave a brief update on the Hudson Valley Club project.

Mr. Anagnos motioned to adjourn at 10:00 p.m., Ms. Hoffman seconded. All aye. Motion carried.

The next meeting which was scheduled for Wednesday, March 3, 2004 has been rescheduled to Thursday, March 11, 2004 with the public hearings starting at 7:15 p.m.

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Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Town Clerk (final copy)